

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNATHON MCMAINS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:24-cv-02584-DC-SCR

ORDER ADOPTING THE PARTIES’
STIPULATION FOR THE AWARD OF
ATTORNEY’S FEES AND EXPENSES
UNDER THE EQUAL ACCESS TO JUSTICE
ACT

(Doc. No. 17)

On September 25, 2024, Plaintiff Johnathon McMains filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (Doc. No. 1.) On March 19, 2025, the matter was remanded to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 15.) On April 3, 2025, the parties filed a stipulation with the court in which the parties agree that Plaintiff shall be awarded attorney’s fees and expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$9,755.00, and no costs under 28 U.S.C. § 1920. (Doc. No. 17.)

Good cause appearing, and pursuant to the parties’ April 3, 2025 stipulation, the court orders as follows:

1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney’s fees and expenses in the amount of \$9,755.00;

2. No costs are awarded under 28 U.S.C. § 1920;

3. After the issuance of this order, the government shall consider the assignment of the EAJA attorney's fees to Plaintiff's counsel;

a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's ("the DOT") Offset Program;

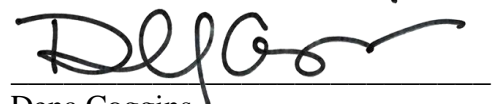
b. Fees shall be made payable to Plaintiff, but if the DOT determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Francesco Paulo Benavides;

4. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Francesco Paulo Benavides
Law Offices of Francesco
1990 N. California Blvd., 8th Floor
Walnut Creek, CA 94596

IT IS SO ORDERED.

Dated: April 6, 2025


Dena Coggins
United States District Judge